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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,337	08/18/2003	Kia Silverbrook	ZF159US	1933
24011	7590 03/24/2004		EXAMINER	
SILVERBROOK RESEARCH PTY LTD			TRAN, LY T	
393 DARLII BALMAIN,	NG STREET 2041		ART UNIT	PAPER NUMBER
AUSTRALI			2853	
			DATE MAILED: 03/24/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		Application No.	Applicant(s)					
Ly T TRAN 2833		10/642,337	SILVERBROOK, KIA					
Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CR 1,13(6). In no event, however, may a raphy be timely filed after 50 Cg) MONTH from the malling date that 37 CR 1,13(6). In no event, however, may a raphy be timely filed after 50 Cg) MONTH from the malling date to make the provisions of 37 CR 1,13(6). In no event, however, may a raphy be timely filed after 50 Cg) MONTH from the malling date of this communication of the provision of the provision of the provision of the provision of the statutory period vall eggles of the statutory minimum of this fig. 30 days will be considered timely. If No period to reply is specified above, the maniform databox period vall eggles of which is statution of the provision of the statutory minimum of this fig. 30 days will be considered timely. If No period to reply is specified above, the maniform databox period vall eggles of the statutory minimum of this fig. 30 days will be considered timely. If No period trap is specified above, the maniform databox period vall eggles of the communication, event flumby filed, may reduce any carried patient term adjustment. See 37 CFR 1,70(e). Status 1)□ Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Educations of those may be available under the provisions of 37 °CFR 1.35(e), in no event, however, may a raply be timaly filled □ Endeadors of those may be available under the provisions of 37 °CFR 1.35(e), in no event, however, may a raply be timaly filled □ END gelloid for raply is specified above, the maximum stabilitory partial will apply and will easier SIX (f) MONTHS from the mailing of six of the communication of the provision of the provision of the provision of the mailing of six of the mailing date of this communication, even if simely filled, may reduce any seamed palest term adjustment. See 37 °CFR 1.704(e). Status 1) □ Responsive to communication(s) filled on □ 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 °C.D. 11, 453 °O.G. 213. Disposition of Claims 4) □ Claim(s) 1.15 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) □ Claim(s) 1.15 is/are placed. 7) □ Claim(s) is/are allowed. 6) □ Claim(s) 1.15 is/are placed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) 1.15 is/are rejected. 7) □ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The proving(s) filled on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filled on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filled on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The cather of the proving the correction is required if the drawing(s) is objected to. See 37 °CFR 1.21(d). 11) □ The drawing of the proving the correction is requi		Ly T TRAN	2853					
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Art Unit: 2853

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-6, 8-13 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-10 of U.S. Patent No. 6,634,735 in view of Irizawa et al. (USPN 6,543,869).

Claims 1-4 and 6-10 of USPN 6,634,735 discloses the claimed invention except for tuning the duration of the pulses in accordance with a composition of the ink.

Irizawa et al. teaches tuning the duration of the pulses in accordance with a composition of the ink (abstract).

It would have been obvious to one having ordinary skill in the art at the invention was made to tune a duration of the pulses in accordance with a composition of the ink as taught by Irizawa et al. The motivation of doing so is to perform optimal ejection for all kinds of the inks under the same head diving condition.

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2. Claims 7 and 14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,634,735 in view of Irizawa et al. (USPN 6,543,869) as applied to claims 1 and 9 above, further in view of Takahashi (USPN 6,109,716).

The combination of U.S. Patent No. 6,634,735 and Irizawa et al. discloses the claimed invention except for the chip for storing temperature and the step of tuning the duration of energy pulses to compensate for changes in viscosity of the ink.

Takahashi teaches the chip for storing temperature (Fig.8) and the step of tuning the duration of energy pulses to compensate for changes in viscosity of the ink (Abstract, Column 9: line 1-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to store the temperature and tune the duration of energy pulses to compensate for changes in viscosity of the ink as taught by Takahashi. The motivation of doing so is prevent ink droplet ejection from becoming unstable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D. Meier Primary Examiner

March 2, 2004